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OFFICE OF PETITIONS

In re Application of	:	
Sharan, et al.	:	
Application No. 09/825,613	:	ON PETITION
Filed: April 3, 2001	:	
Attorney Docket No. 303.930US4	:	
For: METHOD FOR PECVD DEPOSITION OF SELECTED MATERIAL FILMS		

This is a decision on the petition under 37 CFR 1.181, filed February 28, 2006 (certificate of mailing date February 22, 2006) requesting that the Office withdraw the holding of abandonment of the above-identified application. In the alternative, petitioners request revival under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to seek court review of the Board of Patent Appeals and Interferences Decision on Appeal within two months of the December 30, 2005 decision. A Notice of Abandonment was mailed on January 11, 2006.

Petitioners argue that the application did not become abandoned because a RCE and amendment were filed on February 28, 2006 (certificate of mailing date February 22, 2006), which was within the two month period for action. The correspondence is present in the application file.

The filing of a RCE (accompanied by the fee and a submission) after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action, will result in the finality of the rejection or action being withdrawn and the submission being considered. Pursuant to 37 CFR 1.114, a RCE and amendment with new claims is a proper follow-up submission, if made within two months of the Board decision.

The petition under 37 CFR 1.181 is **GRANTED** and the Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter. It is unnecessary to address the moot petition under 37 CFR 1.137(b), which was filed in the alternative.

Accordingly, the application file will be forwarded to Technology Center A.U. 2829 for further examination.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



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for Patent Examination Policy